

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEVEN WYNN, ELAINE WYNN,  
WYNN RESORTS LIMITED AND  
WYNN RESORTS L.L.C.

Plaintiffs,

vs.

LEXINGTON INSURANCE COMPANY, and  
ALLIED WORLD ASSURANCE COMPANY (US)  
INC.,

Defendants.

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07 CV 7604 (NRB) (MHD)

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**NOTICE OF MOTION**

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**PLEASE TAKE NOTICE** that, upon the annexed Memorandum of Law and Declaration of Christopher J. Marino, sworn to on May 9, 2008, and all prior pleadings and proceedings herein, Defendants Lexington Insurance Company and Allied World Assurance Company (US) Inc., by their counsel, Steptoe & Johnson LLP, will move this Court before the Honorable Naomi R. Buchwald, at the United States Courthouse, 500 Pearl Street, New York, New York on a date and time to be set by the Court for an order, pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, compelling Plaintiffs Steven Wynn, Elaine Wynn, Wynn Resorts Limited and Wynn Resorts L.L.C. to submit the dispute herein to an appraisal pursuant to relevant insurance policies and stay the pending action pending such appraisal.

Defendants submit this motion pursuant to a Stipulation and Order endorsed by this Court on April 4, 2008. Also pursuant to the April 4, 2008 Stipulation and Order, Plaintiffs' opposition papers are to be served no later than May 23, 2008, and Defendants' reply papers are to be served no later than May 30, 2008.

Dated: New York, New York  
May 9, 2008

STEPTOE & JOHNSON LLP

By: /s Evan Glassman  
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(US) Inc.*

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served upon the parties listed below by electronic mail and Federal Express on May 9, 2008, a true and correct copy of the annexed **Notice of Motion**.

/s Kimberlyn Brzozowski

Stuart P. Slotnick, Esq.  
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